

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) Chapter 11  
IYS Ventures, LLC, ) Case No. 23-06782  
 ) Hon. David D. Cleary

**NOTICE OF MOTION**

TO: Attached Service List

**PLEASE TAKE NOTICE THAT** on January 24, 2024, at 10:00 a.m., I shall appear before the Honorable Judge David D. Cleary, or any other judge sitting in his stead, either in Courtroom 644, 219 South Dearborn Street, Chicago, Illinois, or electronically as described below and request a hearing on the Debtor's Motion To Authorize Designation of New Debtor in Possession Bank Account, a copy of which is attached hereto and thereby served upon you.

**Important: Only parties and their counsel may appear for presentation of the motion electronically using Zoom for Government. All others must appear in person.**

**To appear by Zoom using the internet**, use this link: <http://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is Meeting ID: 161 122 6457 and the password is Cleary644. The meeting ID and password can also be found on the judge's page on the court's website.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, these motions will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the motions in advance without a hearing.

/s/ Gregory K. Stern  
Gregory K. Stern

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, hereby certify that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail, Chicago, Illinois, on the 18<sup>th</sup> day of January 2024.

/s/ Gregory K. Stern  
Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)  
Dennis E. Quaid (Atty. ID #02267012)  
Monica C. O'Brien (Atty. ID #6216626)  
Rachel S. Sandler (Atty. ID #6310248)  
53 West Jackson Boulevard, Suite 1442  
Chicago, Illinois 60604 / (312) 427-1558

## **SERVICE LIST**

### **Registrants Served Through The Court's Electronic Notice For Registrants**

Patrick Layng, United States Trustee  
219 South Dearborn Street, Suite 873  
Chicago, Illinois 60604

William J. Serritella/Yeoewun C. Yoon/Kimberly Ross Clayson/Jillian S. Cole  
111 East Wacker Drive, #2600  
Chicago, Illinois 60601

Miriam Stein Granek  
4711 Golf Road, #200  
Skokie, Illinois 60076

Gordon E. Gouveia/Peter C. Buckley/Matthew Higgins  
321 North Clark Street, Suite 1600  
Chicago, Illinois 60654

William K. Kane/Robert McLellard  
321 North Clark Street, 32nd Floor  
Chicago, Illinois 60654

Ariel Weissberg  
125 South Wacker Drive, Suite 300  
Chicago, IL 60606

John Morgan  
2777 Summer St.  
Stamford, CT 06805

Cari Kauffman  
180 North LaSalle Street, Suite 2700  
Chicago, Illinois 60601

James Philbrick  
P.O. Box 351  
Mundelein, Illinois 60060

John Reding  
100 West Randolph Street, 13<sup>th</sup> Floor  
Chicago, Illinois 60601

Joseph D. Frank/Theodore Kleinman  
1327 West Washington Boulevard, Suite 5 G-H  
Chicago, Illinois 60607

Kevin Kobbe/DLA Piper  
650 S. Exeter Street, Suite 1100  
Baltimore, MD 21202

**Parties Served Via United States Mail**

Aramark Uniform Services  
2334 South Michigan Avenue  
Chicago, IL 60616

BMW Financial Services  
Customer Service Center  
PO Box 3608  
Dublin, OH 43016-0306

Coca-Cola Bottling Company  
PO Box 105637  
Atlanta, GA 30348

Home State Security  
250 East 5th Street, 15 Floor  
Cincinnati, OH 45202

Manistique Oil Company  
216 Deer Street  
Manistique, MI 49854

Red Bull Distribution Company  
PO Box 204750  
Dallas, TX 75320

U.S. Small Business Administration  
409 3rd Street SW  
Washington, DC 20416

We Energies  
PO Box 2046  
Milwaukee, WI 53201-2046

Wisconsin Department of Revenue  
2135 Rimrock Road  
Madison, WI 53713

Xcel Energy  
PO Box 9477  
Minneapolis, MN 55484-9477

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**MOTION TO AUTHORIZE DESIGNATION OF NEW DEBTOR IN POSSESSION BANK  
ACCOUNT**

Now comes IYS Ventures, LLC, Debtor and Debtor In Possession, by and through its attorneys, Gregory K. Stern, Monica C. O'Brien, Dennis E. Quaid, and Rachel S. Sandler, and in support of its Motion to Authorize Designation of New Debtor in Possession Bank Account, states as follows:

1. On May 23, 2023, the Debtor filed a Voluntary Petition for relief under Chapter 11 of the United States Bankruptcy Code.
2. The Debtor, as Debtor In Possession, has continued in possession of its property, pursuant to §§ 1107 and 1108.
3. This Court has jurisdiction pursuant to 28 U.S.C. § 1334; and this matter constitutes a core proceeding under 28 U.S.C. §157(b).
4. The Debtor owns and operates gas stations located in Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Ohio, South Dakota, and Wisconsin.
5. Prior to filing of the instant case, the Debtor maintained bank accounts at multiple financial institutions including an account at BMO Harris Bank, N.A. ("BMO")
6. On July 14, 2023, this Court entered an Order Excusing Banking Requirement which provided, *inter alia*, that the Debtor is authorized to use and maintain its pre-petition bank account at BMO, account ending 7629 ("the "BMO Account") as its Debtor in Possession operating account.
7. BMO has advised the Debtor that it will be closing the BMO Account as of January 25, 2024. The basis for closing the account was BMO's periodic review of its customer, the Debtor, and the discovery of

the pre-petition litigation with Huntington Bank wherein allegations were advanced regarding alleged improper transfers by the Debtor resulting in significant overdrafts.

8. The Debtor has made attempts to open a new financial account at several banking institutions which have been rejected because of the pre-petition Huntington Bank litigation.

9. The only other account in the name of the Debtor is a checking account at Bank First, a small local bank in Manitowoc, Wisconsin. The Debtor's use of this account as its Debtor in Possession account is impracticable and cumbersome. Bank First does not have a local branch in Illinois and cannot accommodate the transfers and transactions required by the Debtor to operate its business.

10. By this Motion, the Debtor is requesting authorization to use JP Morgan Chase Bank checking account ending 6037 (the "Leanne Account"), in the name of Leanne Investment, LLC ("Leanne") as its Debtor in Possession account.

11. The Leanne Account is an account used by one of the management companies that assists the Debtor in the day to day operation of its business and is capable of accommodating the financial and transactional needs of this Debtor.

12. The use of the Leanne Account would not impact the transparency of the Debtor's financial operation in this case as the Debtor's monthly operating report have and will continue to provide all bank statements and financial transactions of the Debtor and all of the management companies, including Leanne.

13. JP Morgan Chase Bank is on the United States Trustee's list of approved depository institutions.

14. Moreover, Leanne Investment, LLC is not a party to any debt, loans or other financial accommodations with Chase that would give rise to any rights of setoff against the Leanne Account.

15. It is in the best interest of all parties in this case to allow the Debtor to designate the Leanne Account as its Debtor in Possession account. As it is impossible for the Debtor to establish an account at a new financial institution at this time, not allowing the Debtor to use the Leanne Account would be

disruptive to the Debtor's business operation and hinder the Debtor's business operations and reorganization efforts in the instant Chapter 11 case.

16. The Debtor has provided notice of this motion via US Mail and/or the Court's ECF system to: (a) the Office of the United States Trustee; (b) the twenty (20) largest unsecured creditors of the Debtor; and (c) all parties who have requested notices through the Court's CM/ECF system. In light of the nature of the relief requested, the Debtor submits that no further notice is necessary.

**WHEREFORE**, the Debtor, IYS Ventures, LLC prays for an order, as follows:

- (a) Pursuant to 11 U.S.C. §345 authorizing to use JP Morgan Chase Bank checking account ending 6037 in the name of Leanne Investment, LLC as it Debtor in Possession account;
- (b) Authorizing CrossAmerica Partners, LP to use JP Morgan Chase Bank checking account ending 6037 in the name of Leanne Investment, LLC as the designated financial institution for all electronic debits and credit related to the Debtor; and,
- (c) For such other further relief as this Court deems just.

By: /s/ Gregory K. Stern  
Gregory K. Stern, Attorney

Gregory K. Stern (Atty. ID #6183380)  
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